

1 THE HONORABLE RONALD B. LEIGHTON
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8 UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 VERTISEL ISAAC, a single man,

12 Plaintiff,

13 v.

14 J. C. Penny Company, Inc., a foreign
15 corporation and its wholly owned subsidiary,
16 J. C. Penny Corporation, a foreign
17 corporation, db/a J. C. Department Store;
18 Simon Property Group, Inc., db/a Tacoma
19 Mall, a foreign corporation; and
20 Tacoma Mall Partnership, a foreign
21 partnership,

22 Defendants.

NO. C09-5402 RBL

STIPULATION FOR AND ORDER
DISMISSING DEFENDANTS SIMON
PROPERTY GROUP AND TACOMA
MALL PARTNERSHIP

STIPULATION FOR AND ORDER
DISMISSING DEFENDANTS SIMON
PROPERTY GROUP AND TACOMA MALL
PARTNERSHIP (C09-5402 RBL) - 1

JOHNSON ANDREWS & SKINNER, P.S.
200 W. Thomas Street, Suite 500
Seattle, WA 98119-4296
TEL: 206-223-9248 | FAX: 206-623-9050

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties, through
their respective counsel of record, that any and all claims asserted by Plaintiff Vertisel Isaac as
against Simon Property Group, Inc., and/or Tacoma Mall Partnership in the above-entitled matter

may be dismissed in their entirety with prejudice and without cost to any party.

Defendant J.C. Penney Corporation, Inc., by and through its attorney of record, hereby stipulates that it leased the area of the premises put at issue by the Plaintiff's Complaint, and that it therefore assumes responsibility for the condition of the premises at the location of the subject incident. However, J.C. Penney Corporation, Inc., expressly reserves the right to dispute the existence of any defective or dangerous condition, its knowledge of such condition, and/or the causal relationship between such condition and the subject incident.

SIGNED this 25th day of August, 2009, at Seattle, Washington.

JOHNSON ANDREWS & SKINNER, P.S.

By s/ Sasha S. Philip

SASHA S. PHILIP, WSBA #32202

Attorneys for Defendants J.C. Penney Corporation, Inc., Simon Property Group, Inc., and Tacoma Mall Partnership

SIGNED this 19th day of August, 2009, at Tacoma, Washington.

LAW OFFICE OF RICHARD J. WILLIAMS

By s/ Richard J. Williams

RICHARD J. WILLIAMS, WSBA #12492

Attorneys for Plaintiff

STIPULATION FOR AND ORDER
DISMISSING DEFENDANTS SIMON
PROPERTY GROUP AND TACOMA MALL
PARTNERSHIP (C09-5402 RBL) - 2

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ORDER

Based upon the foregoing Stipulation,

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that any and all claims
4 asserted by Plaintiff Vertisel Isaac as against Simon Property Group, Inc., and/or Tacoma Mall
5 Partnership in the above-entitled matter may be dismissed in their entirety with prejudice and
6 without cost to any party.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, for purposes of the
8 instant litigation, J.C. Penney Corporation, Inc., shall be deemed responsible for the condition of
9 the premises at the location of plaintiff's fall. J.C. Penney Corporation, Inc., shall retain the right
10 to dispute the existence of any defective or dangerous condition, its knowledge of such
11 condition, and/or the causal relationship between such condition and the subject incident.

12 IT IS SO ORDERED this 27th day of August, 2009.

Ronald B. Lightner

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

JOHNSON ANDREWS & SKINNER, P.S.

By s/ Sasha S. Philip

SASHA S. PHILIP, WSBA #32202
Attorneys for Defendants J.C. Penney
Corporation, Inc., Simon Property Group, Inc.,
and Tacoma Mall Partnership

and Tacoma Man Partnership
LAW OFFICE OF RICHARD J. WILLIAMS

STIPULATION FOR AND ORDER
DISMISSING DEFENDANTS SIMON
PROPERTY GROUP AND TACOMA MALL
PARTNERSHIP (C09-5402 RBL) - 3

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1 By s/ Richard J. Williams

2 RICHARD J. WILLIAMS, WSBA #12492
Attorneys for Plaintiff

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STIPULATION FOR AND ORDER
DISMISSING DEFENDANTS SIMON
PROPERTY GROUP AND TACOMA MALL
PARTNERSHIP (C09-5402 RBL) - 4

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